

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

GERALD GREEN,)	
)	
Plaintiff,)	
)	
v.)	No. 2:19-cv-02326-SHL-cgc
)	
SMITH & NEPHEW,)	
)	
Defendant.)	
)	

ORDER REMANDING CASE TO STATE COURT

This case was brought before the Court by Defendant, Smith & Nephew, which filed its Notice of Removal on May 22, 2019. (ECF No. 1.) Defendant removed the case on diversity grounds, asserting that jurisdiction was proper under 28 U.S.C. §§ 1332 and 1441 because the Parties are citizens of different states and the amount in controversy exceeds \$75,000. However, § 1441(b)(2) provides that

[a] civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title [28 USCS § 1332(a)] may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.

Defendant is a citizen of Tennessee and the case was brought in Tennessee court. (ECF No. 1 at 2.) Defendant acknowledged this in the Scheduling Conference held on June 24, 2019. Therefore, this Court lacks jurisdiction, and the case is **REMANDED**.

IT IS SO ORDERED, this 25th day of June, 2019.

s/ Sheryl H. Lipman

SHERYL H. LIPMAN
UNITED STATES DISTRICT JUDGE